SHRI BANDARU DATTATRAYA: Sir, I have already answered this question. मैं सदस्य महोदय को बताना चाहताहूं कि अभी तक जाक स्कीस है , आंध्र प्रदेश और तमिलनाडु इन दो राज्यों को छोड़कर बाकी राज्यो में इसे लागू नहीं किया गया है । उसका कारण य ह है कि हमारे नॉर्म्स में यह दिया हुआ है कि राज्य सरकार को वाम्बे स्कीम के नाम पर , बैंक में अकाउंट खोलकर 50 प्रतिशत पैसा बैंक में लगाना पड़ेगा । उसी वजह से कर्नाटक, छतीसगढ़ और मध्य प्रदेश ऐसे राज्य है , जिनको स्लम पापूलेशन के मुताबिक जितनी धनराशि सैक्शन हो सकती है , वह भी प्राप्त नहीं हो रही है । महोदय , चूंकि यह नयी स्कीम है इसलिए इस स्कीम के बारे में डिटेल्ड कॉपी मैं माननीय सांसदों को भी भेज दूंगा ताकि वे इसमें योगदान दे सकें । मैंने दो बातें कहीं । अभी केवल सात स्टेट्स ने प्रपोजल भेजा हैं किन्तु केवल दो राज्यों के लिए ही धनराशि रिलीज की गयी है औरबाकी के पांच राज्य ऐसे हैं जिनको बैंक में अकाउंट खोलकर पैसा देना है । मैने यह कहा था कि कि Rs.58 crores were still lying with us. If the State Government comes forward with some norms, I will sanction it.

संविधान के कार्यकरण की समीक्षा हेतु राष्ट्रीय आयोग

† * 202 . श्री के. रहमान खान :

श्री पी0 ओ0 माहेश्वरी :

क्या विधि , न्याय और कंपनी कार्य मंत्री यह बताने की कृपा करेगें कि :

(क) संविधान के कार्यकरण की समीक्षा हेतु आयोग का गठन कब किया गया था ,

(**ख**) इसका कार्यक्षेत्र और कार्यकाल बढ़ाए जाने के संबंध में ब्यौरा क्या है ,

(**ग**) क्या सरकार को आयोग की सिफारिशें प्राप्त हो गई है ,

(**घ**) यदि हां , तो तत्संबंधी ब्यौरा क्या है ,

(**ङ**) इस पर सरकार की क्या प्रतिक्रिया है , और

(**च**) यदि नहीं , तो यह प्रतिवेदन कब तक प्रस्तुत किये जाने की संभावना है ?

विधि , न्याय और कंपनी कार्य मंत्री (श्री अरूण जेटली) : (क) राष्ट्रीय संविधान कार्यक्रम पुनर्विलोकन आयोग का गठन तारीख 22.2.2000 को किया गया था ।

† सभा में यह प्रश्न श्री के. रहमान खान द्वारा पूछा गया ।

(ख) आयोग को अपना कार्य पूरा करने और सिफारिशें देने के लिए मूलत : एक वर्ष का समय दिया गया था । आयोग के कार्यकाल को तारीख 20.2.2001 तारीख 30.10.2001 और तारीख 26.02.2002 की अधिसूचनाओं द्धारा तीन बार बढ़ाया गया हैं । आयोग से अब तारीख 31,3.2002 तक अपना कार्य करके , अपनी सिफारिशों प्रस्तुत किया जाना अपेक्षित है ।

(ग) सरकार को अभी आयोग की सिफारिशें प्राप्त होगी ।

(घ) और (ड) उपरोक्त को देखते हुए प्रश्न ही नहीं उठते ।

(ध) यह आशा की जाती है कि आयोग तारीख 31.3.2002 तक अपनी रिपोर्ट प्रस्तुत कर देगा ।

National Commissiun to review the working of the Constitution

†* 202. SHRI K. RAHMAN KHAN:††

SHRI P.K. MAHESHWARI:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the date on which the National Commission to review the working of the Constitution was constituted;

(b) the details fo extension of its jurisdiction and tenure;

(c) whether Government have received the recommendations of the Commission;

(d) if so, the details thereof;

(e) the reaction of Government thereto; and

(f) if not, by when the report is likely to be submitted?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) The National Commission to review the working of the Constitution was set up on 22.2.2000.

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† Original notice of the question was received in Hindi.

†† The question was actually asked on the floor of the House by Shri K. Rahman Khan.

(b) The Commission was originally given one year time to complete its work and make recommendations. The tenure of the Commission has been extended thrice *vide* notifications dt. 20.2.2001, 30.10.2001 and 26.2.2002. The Commission is now required to complete its work and make its recommendations by 31.3.2002

(c) The Government is yet to receive the recommendations of the Commission.

(d) and (e) In view of the above, the questions do not arise.

(f) The Commission is expected to submit its report by 31.3.2002. «

SHRI K. RAHMAN KHAN: Sir, one of the first acts of the NDA Government was to appoint the Constitution Review Commission. It was stated that since the Constitution has been amended 93 times, there was a need for an overall review of the Constitution. I would like to know from the hon. Minister: Out of the 93 Constitution amendments, how many amendments relate to the basic changes in the Constitution and how many amendments are consequential amendments for extending the dates, etc.? An impression is being created among the general public that since the Constitution has beer amended 93 times, there is a need for an overall review of the Constitution. I am very sorry to say that this is a hidden agenda of, the Government. A particular organisation has never accepted the Constitution. The RSS has threatened that Hindu goodwill is key to Muslims' safety in this country. I would like to know whether this Government is trying to implement its hidden agenda which has never been accepted by the RSS. This organisation has never subscribed to the Indian Constitution. They feel tha» there is a need for a Hindu Constitution, Hindutva agenda. I would like to know whether it is the hidden agenda which is being implemented. Also, how many times have significant amendments been brought, especially, when there is a provision in the Constitution itself that as and when the need arises, the Constitution can be amended? And, the Constitution has been amended whenever there was a need for such an amendment. So, what was the real need for constituting a Review Commission?

SHRI ARUN JAITLEY: Sir, there are two limbs of the supplementary. The first limb is that out of the 93 occasions on which the Constitution has been amended, the hon. Member is very right that a large number of those amendments have actually been of a nature where dates or some period had to be extended; but there have been certain substantial amendments as well. However, within the framework which we have, the basic structure of the Constitution itself is unamendable. That is the law as it stands today. Secondly, Sir, the term, the extended term of the Constitution Review Commission is coming to an end on the 31st of this month, and we are expecting, in the course of the next few days, to reeeive their recommendations. The Constitution Review Commission comprises several experts and my learned friend, the hon. Member, can see for himself that the members of this Committee are experts from various fields. Initially, they earmarked ten subjects under which the review was to be made. In the last one year, they have made public 22 Approach Papers, and when they give their final recommendations on these, I am sure, this whole question of hidden Agenda or unhidden agenda would be clarified. After 50 years of the Indian Constitution, it is time to pause and lookback and see how we can strengthen some of our institutions created through our Constitution itself. And, in any case, let me remind the hon. Member that nobody's hidden Agendas are capable of implementation because every amendment of the Constitution requires the support of two-thirds of the Members present in the House. So, unless he supports it, nothing can take place.

SHRI K. RAHMAN KHAN: Sir, my second supplementary is this. How many developing and well-working democracies have taken up such reviews? I would like to know whether America has taken up an overall review of their Constitution. Sir, I ask this because our Constitution is a document which was well debated for a period of four years; the Constituent Assembly had debated it; the Fundamental Rights are enshrined in it. Now, the Minister has not replied to my basic supplementary: What was the need for constituting such a Commission?

SHRI ARUN JAITLEY: Sir, there are countries which have undertaken review of their Constitution; there are countries which

have gone in for a new Constitution; and there are countries which have gone in for amendments. These are all experiences which are peculiar to these nations. But if I may just place the fact before the hon. Member, there are several areas where, over the last few years, there has been a debate in the country; for example, on Centre-State relations; issues like appointment of judges, etc. These are all issues which are not only peculiar to one party or the other, but these are also common issues which arise ...*(Interruptions)*

SHRI K. RAHMAN KHAN: On Centre-State relations, there is the Sarkaria Commission recommendations.

SHRI ARUN JAITLEY: There is a recommendation; for instance, if I may just mention the ten areas which have been identified by the Review Commission; strengthening of the institution of Parliamentary democracy; working of the Legislature, the Executive and the Judiciary, their accountability and problems; the issue arising out of political instability; electoral reforms; pace of socio-economic changes and development under the Constitution; Union-State relations; decentralisation, devolution and empowerment, strengthening of the Panchayati Raj institutions; enlargement of Fundamental Rights, effectuation of Fundamental Duties, public audit mechanism and standards in public life. This is a very apparent Agenda, and I am sure, when the Report becomes public, even my learned friend and his party would like to debate on some of these issues and agree to incorporate the changes in the Constitution.

DR. RAJA RAM ANNA: Mr. Chairman, Sir, I am a little worried about what has been done to the Constitution in various situations. Now, our democracy is considered the largest democracy in the world and many people in the world are looking forward to imitating us or using our democracy as a guideline. It is the same with America which is also has an old democracy with a very large number of people, with multi-layer societies. Now, if we get into the habit of changing the Constitution for every little thing, it will not be good. My impression is, for the last so many years, we have been tampering with the Constitution for comparatively small things. The Minister talked about appointment of judges — judges have been appointed

before. If the question of interpretation comes in, we have the Supreme Court for it. It has interpreted quite a lot of issues in recent times. So, I would point out to the hon. Minister that it is really difficult to change the provisions of the Constitution. We can have a review of the Constitution, but review does not mean that we should change the very world 'Constitution' and the spirit of the Constitution. We can certainly have a review of the Constitution so that the various provisions of the Constitution can be altered, but I think, it is becoming a bad habit on our part to change the Constitution itself periodically.

SHRI ARUN JAITLEY: Sir, even though it is not a specific question formulated, I would respond to what the hon. member has said. There is, absolutely, no proposal to either change of overhaul the Constitution. Indeed, this has not been suggested at all. There are several fundamental features of this Constitution which have served our system very well. There is absolutely no proposal by anybody to tinker with those or to change those. But, certainly, the suggestion has been that let some people get together, apply their mind, have wider consultations and suggest areas where we are capable of improving upon certain institutions. Certainly, any change, even if if is in the nature of strengthening the institutions, cannot go through unless two-thirds' of the Members of this hon. House support that change.

SHRI PRANAB MUKHERJEE: Sir, in view of the fact that even the provision regarding amendment of the Constitution in article 368 has been interpreted, and has undergone major changes, now, the constituent power of Parliament to amend the Constitution has been incorporated in clause (1) of article 368 itself. In view of this fact, whatever be the outcome of the Constitution Review Committee, the ultimate, hard, fact remains that whatever amendments the executive may propose, it will have to go through the two Houses of Parliament. So far as this House is concerned, we have independent right to express our views, and we will do so at the appropriate time. But my limited question to the hon. Minister is this. We read in the newspapers—and I thought that in the course of his reply, the hon. Minister would throw some light to that—that one of the Members of

the Constitution Review Committee has resigned by arising his basic differences on certain issues. Would the Minister confirm it? If it is so, what are the reasons for resignation of that particular member, given to the Commission, and what is the response of the Commission to that?

SHRI ARUN JAITLEY: Sir, on the first observation by the hon. Member, all I can say is, I agree. Even when any suggestions are made by a body, which is really an advisory body, whatever be the proposed changes, we will have to have wider consultations outside in the political system, in the Indian society, and also in this House before they can be incorporated. Sir, I have received a copy of a letter of one of the Members of the Committee which he had written to the Chairman of the Committee, resigning on an issue, and the reason that he has mentioned is that the Committee collectively decided not to incorporate one issue relating to eligibility for holding various constitutional offices and, therefore, in protest against the non-inclusion of the subject, he has tendered his resignation. I have not received any response, as far as the Commission is concerned.

श्री गया सिंह : माननीय सभापति जी , हमारा सवाल तो मुखर्जी साहब ने रख दिया है । आपने ठीक ही कहा कि अल्टीमेटली यह हाउस मे ही होना है । लेकिन इस विषय पर इतने भाषण हो रहे हैं और य ह सिलसिला करीब दो साल से चल रहा है । ऐसे हालात में कहीं इसकी स्थिति भी वैसी ही न हो जाए , जैसी स्थिति महिला आरक्षण विधेयक की हुई थी ?

श्री अरुण जेटली : अगर आप सब सहयोग देंगें तो निश्चितरूप से वैसा नहीं होगा ।

श्री संजय निरूपम : आदरणीय सभापति जी , मुझे मंत्री महोदय से यह जानना होगा कि जिस संविधान समीक्षा आयोग का गठन हुआ है , उसके टमर्स एण्ड रेफरेंस के किन मुद्दों पर विचार करना हे ? ये मुद्दे किसने तय किए हैं , इस आयोग ने या सरकार ने ?

मेरा दूसरा प्रश्न यह है , अभी प्रणब दा ने सवाल उठाया था कि संविधान समीक्षा आयोग के एक सदस्य ने एक विशेष कारण से आयोग से इस्तीफा दे दिया है । वह कौन सा कारण है उसे विस्तार से बताया जाए । जब दो साल पहले संविधान समीक्षा आयोग का गठन हुआ था तो क्या उस समय यह तय नहीं हुआ था कि इन सारे विषयों में एक विषय यह भी होगा ? क्या सचमुच यह विषय उस टमर्स एण्ड रेफरेंस में नहीं था ।

अरूण जेटली: सभापति जी , जब सरकार ने इसका गठन किया था तो उस समय सरकार ने जो टमर्स एण्ड रेफरेंस बनाई थी मैं उसे पढ़ देता हूँ The Commission shall examine, in the light of the experience of the past fifty years, as to how best the Constitution can respond to the changing needs on efficient, smooth and effective system of governance in socioeconomic development of modern India, within the framework of parliamentary democracy and to recommend changes that are required in the provisions of the Constitution, without interfering with the basic structure or features. इसलिए सरकार के मंत्रिमंडल ने जब ये ट**मर्स** तय की थीं तो काफी फलैक्सिबिलिटि दी थी कि इस फ्रेमवर्क के अंदर कमीशन अपनी टर्म तय करे। कमीशन ने दस ऐसे क्षेत्र तय किए थे जिनके संबंध में कमीशन चर्चा करेगा। करीब साल, डेढ़ साल पहले ये क्षेत्र तय किए गए थे। इसके पश्चात बाइस विषय , जो दस बड़े चैप्टर्स मे से राइज करते थें कि केसल्टेशन पेपर्स बनाकर एक साल में सार्वजनिक चर्चा के लिए समाज के सामने रखे गये थे। उस पर चर्चा हुई हैं उसका रिस्पोंस आया है। और जहां तक मेरी अंडस्टैडिंग है शायद उस महीने में कमीशन अपनी रिपोर्ट देने की स्थिति में होगा।

जिन एक माननीय सदस्य ने इस्तीफा दिया है , जैसा कि मैंने प्रणब मुखर्जी के प्रश्न के उत्तर में बताया कि इस आधार पर इस्तीफा दिया है कि कई सवैंधानिक पद ऐसे हैं जिन पर बैठने के लिए या चुनाव लड़नें कि लिए कुछ इलिजिबिलिटी कंडीशन्स होनी चाहिए , विशेष रूप से नागरिकता की और जन्म के आधार पर नागरिकता की , उस संबंध मे माननीय सदस्य का आग्रह था कि यह विषय इनकी टमर्स एण्ड रेफरेंस में हो। उनके पत्र की जो मिली है उससे मुझे लगा हैं। कमीशन ने उसे इन्क्लुड नहीं कियस इसीलिए इस्तीफा दे दिया।

श्री संजय निरुपम : कमीशन ने जो क्षेत्र तए किए क्या उसमें वह विषय पहले था ?

श्री अरूण जेटली : सभापति जी, इस संबंध में मैं स्पष्ट कर दूं कि कमीशन के जो क्षेत्र थे उसमें strengthening of institutions of parliamentary democracy जैसे बड़े विषय को कमीशन अपने क्षेत्र में लाता है या नहीं लाता , इसमें सरकार कोई हस्तक्षेप नहीं था , यह कमीशन का स्वंय का निर्णय था।

श्री संजय निरुपम : क्या इलिजिबिलिटी का अलग से था ?

श्री अरुण जेटली : इलिजिबिलिटी का अलग से नही था।

SHRI KAPIL SIBAL: Thank you very much, Sir. The hon. Minister knows it; it is said that the Constitution is as good as the men who run it. I have been particularly disturbed because despite the fact that this exercise is going on and might come to fruition and we may debate the issue, but what I am particularly concerned about is, sabotaging of Constitutional institutions from outside. America has the shortest possible Constitution, but institutions function. England has no Constitution, but institution function over there. We have a very detailed Constituion, but there has been at least, in the last one year or so, a complete breakdown of institutions. What my concern is, perhaps, directly or indirectly, the Government had a role to play in that. The morning, I was particularly disturbed to read an article, written by a sitting Cabinet Minister, in one national daily, where he attacked an institution of this country. Now, we are seeing the supporters of this Government attacking institutions of our country. The only way for the Constitution to survive is, survival of a Constitutional culture itself. The point that I want to put to the hon. Minister is: Will the Minister make a commitment to this House that his Government will abide by the Constitution and support a Constitutional culture, which will not attack institutions in this country?

SHRI ARUN JAITLEY: Sir, my learned friend has expressed a detailed opinion. I don't think there is any occasion for him to get disturbed, as far as the working of our institutions is concerned. We had many instances, in the past, where even judges were superseded on political grounds. We had many instances in the past where civil liberties were suspended. We had instances in the past where the entire Opposition was locked up in jails and where the freedom of expression was threatened. The resilience of this country's democracy and the Constitution is such that it survived and came out of it. We welcome a healthy debate where anybody, including a Minister, has a right to join in order to improve and strengthen bur institutions.

There is no gagging on any section of the society. But certainly, as far as assult or attack on any kind of institutions is concerned in order to diminish them, it is something which the Government will never support.

SHRI FALI S. NARIMAN: Sir, I rise with some anguish, Will the hon. Minister agree—that far from reviewing and altering the Constitution, which this sovereign body of Parliament is always capable of accomplishing—what is most important is the spirit of Constitutionalism? It is this disturbing phenomenon—which Mr. Sibal rightly mentioned, I was most disturbed and I mentioned this to him this morning also—of a Cabinet Minister of the Government virtually attacking the Supreme Court, an institution which is always stated to be the guardian of the Constitution,...*(Interruptions)*... And which concludes with the words, 'study the 90 odd amendment yourself and ask how many of them have been enacted to reverse the judgements of the Supreme Court.' I ask you whether this is the spirit which inspired the hon. Prime Minister whose statement was made on the floor of the House where the Prime Minister himself had mentioned it on last Thursday with regard to the accepting of the verdict of the Supreme Court. Is this the spirit of Constitutionalism can a single Cabinet Minister unmake what the Prime Minister has said? If he does so, he must dissociate himself from the Government and do so. I feel anguished, Mr. Chairman, Sir, with the tenor of this article. It only stirs up what the hon. Prime Minister attempted to resolve by a very statesmanlike statement only the other day.

SHRI ARUN JAITLEY: Sir, the hon. Prime Minister made a statement and a commitment before the nation. It is a commitment by which the entire Government stands, that any order of the court which is passed irrespective of what individual opinions on the order would be, is an order which has to be complied with and implemented in totality. ...*(Interruptions)*... Having said so, let me--if Mr. Nariman and Mr. Sibal feel that it is a contrary opinion, which any member of the Government can express on an order of the

Supreme Court and on the basis of a comment, I think, it is an issue for all of us to consider. This is not an issue which has arisen for the first time. We all respect orders of the courts. We all are to implement the orders of the courts. If a public debate on an order of a court, is gagged, or, if one segment of the society is deprived of the right to comment on an order of a court. Mr. Nariman, let me, remind you ...*(Interruptions)*...

SHRI FALI S. NARIMAN: He is a member of the Cabinet. ...*(Interruptions)*... Let that Cabinet Minister resign. ...*(Interruptions)*...*He* is still a Cabinet Minster. ...*(Interruptions)*... I am very sorry. ...*(Interruptions)*...

SHRI ARUN JAITLEY: I would like to remind everybody that it is an issue on which I am prepared to have a larger debate in this House, if the hon. Chairman, specifically fixes it up. .. .*(Interruptions)*...

SHRI AMAR SINGH: It is a question of collective responsibility. .. .*(Interruptions)*...

SHRI ARUN JAITLEY: I would like to submit that we had occasions in the past and, in the very recent past, there was virtually a national debate in the media and that national debate was "whether even a critical comment on an order of the court amounts to gagging of free expression." I am sorry to say ...*(Interruptions)*...

SHRI KAPIL SIBAL: He should resign and go back to journalism. ...*(Interruptions)*... Then he can exercise that right under the constitution.

SHRI NILOTPAL BASU: It is not a question of an individual. ...*(Interruptions)*... A Minister of the Cabinet is involved. ...*(Interruptions)*... There is no parallel to this case. ... *(Interruptions)*...

SHRI ARUN JAITLEY: Sir, I. have not completed my reply ...*(Interruption)*...

SHRI T.N. CHATURVEDI: Why don't you allow him to speak ...*(In terruption)*...

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI O. RAJAGOPAL): Sir, he should be allowed to reply ...*{Interruption)*...

SHRI KAPL SIBAL: Mr. Chairman, Sir, I put a question to the present Law Minister. Is he entitled, as a matter of right, to write a similar article in a newspaper to express his point of view. Forget about the other Minister? Do you have the right to do that? Please answer this.

SHRI ARUN JAITLEY: If Mr. Sibal would sit down, I will reply to the question ...*{Interruption)*...

SHRI KAPIL SIBAL: Yes, Sir ...*{Interruption)*...

SHRI ARUN JAITLEY: May I say this? ...*{Interruption)*...

SHRI CM. IBRAHIM: Sir, He is the custodian to safeguard the institution, but we are very sorry that in spite of being the Law Minister, he is defending him ...*{Interruption)*...

SHRI ARUN JAITLEY: Sir, we have done more to safeguard the institution than anybody else in this House. Let me assure this to the hon. House ...*{Interruption)*...Sir, even when attempts were made to take away the jurisdiction of those institutions, it is we who fought for it, not Mr. Sibal's party. Let me remind *you{Interruptiori)...May* I say this? I said this when ...*{Interruption)*...

SHRI KAPIL SIBAL: You are going much beyond and destroying it quicker than others.

SHRI ARUN JAITLEY: Let me just say this ...*{Interruption)*...

SHRI JIBON ROY: Sir, a responsible Minister is writing against the Supreme Court! ...*{Interruption)...It* is your counterpart *(In terruption)*...

SHRI KAPIL SIBAL: I am sorry. The way the appointments are made to the higher judiciary, at your instance, is, in fact, a reflection of what you are doing to the institution ...*{Interruption)*...

SHRI NILOTPAL BASU: What was done in the past ...*{Interruption)*... You are now in the Government

...*(Interruption)*...Whatever omissions and commission took place in the past arc irrclcvcnt. You have to justify what you are doing today...(*Interruptions)*...

SHRI KAPIL SIBAL: Sir, the hon. Prime Minister is here. Let him *respond...(Interruptions)*... Docs he support what the hon. Minister has said?...*(Interruptions)*...Docs he support what Mr. Shourie has *said*!...(Interruptions)*... There is something called joint responsibility.

SHRI AMAR SINGH: Let Mr. Shourie defend himself... *(Interruptions)*...

श्री संघ प्रिय गौतम : (व्यवधान) सवाल का जवाब आने दीजिए **.....** (व्यवधान)

SHRI ARUN JAITLEY: Sir, let me complete ...*(Interruptions)*...

श्री राजू परमार : मंत्री जी बोले जा रहे हैं **....** (व्यवधान)

श्री संघ प्रिय गौतम : सवाल का जवाब सुन लीजिए **...** (व्यवधान)

श्री नीलोत्पल बसु : जवाब तो आ गया है **...** (व्यवधान)

श्री संघ प्रिय गौतम : पहले सवाल का जवाब सुन लीजिए **...** (व्यवधान)

SHRI ARUN JAITLEY: Sir, the question has been put to me and it is my right to give reply to that question ...*(Interruptions)*... Sir, may I say this? Mr. Arun Shourie has written two articles. I have also heard his views on television. On all the three occasions...in articles and expressing his views on television...he has categorically said that these are his personal views ...*(Interruptions)*... Even at the time of expressing his views, he has expressed *this...(Interruptions)*... SHRI KAPIL SIBAL: He should resign first ...*(Interruptions)*... SHRI ARUN JAITLEY: He has mentioned very categorically ...*(Interruptions)*... Having said so ...*(Interruptions)*... May I say this? ... *(Interruptions)*...

SHRI KAPIL SIBAL: A Minister has no personal views ...*(Interruptions)*...

SHRI NILOTPAL BASU: Let the hon. Prime Minister reply. It is a question of accountability of the Cabinet system ...*(Interruptions)*...Can a Member of the Cabinet express his individual opinion against the ...*(Interruptions)*... That is the question ... *(Interruptions)*...

श्री अमर सिंह : प्रधान मंत्री जी बताएं कि अरूण शौरी रहेंगें या हटाएंगे ? **...** (व्यवधान)

SHRI ARUN JAITLEY: Having said this, let me say this. The Government. ..*(Interruptions)*...

SHRI NILOTPAL BASU: Let the hon. Prime Minister reply. ...*(Interruptions)*... Let the hon. Prime Minister reply ...*(Interruptions)*...

SHRI CM. IBRAHIM: He should apologise first ...*(Interruptions)*... क्या सुप्रीम कोर्ट का भी डिसइंन्वेस्टमेंट करना चाहते हैं ? ... (व्यवधान)

SHRI O. RAJAGOPAL: Sir, the question has been put and let tnc Minister make his submission ...*(Interruptions)*... The question has been raised and the Minister should be allowed to reply to that ... *(Interruptions)*...

SHRI NILOTPAL BASU: Sir, he is a Cabinet Minister. He cannot express his individual opinion on ...*(Interruptions)*...

SHRI T.N. CHATURVEDI: Sir, the hon. Minister needs your protection. At least, let him be *heard...(Interruptions)*... Let him be heard as to what he is saying ...*(Interruptions)*...

MR. CHAIRMAN: Let him complete...*(Interruptions)*... Let him complete ...*(Interruptions)*...

SHRI ARUN JAITLEY: Sir, first of all, let me be allowed to complete my reply ...*(Interruptions)*...

SHRI NILOTPAL BASU: No. Sir ...*(Interruptions)*...

श्री अमर सिंह : जैसे अटॉरनी जनरल का पर्सनल व्यू था ? ... (व्यवधान) ... अरूण शौरी का पर्सनल व्यू है ? ... (व्यवधान)

MR. CHAIRMAN: Let the Minister complete ...*(Interruptions)*... Let the Minister Complete...*(Interruptions)*... Let the Minister complete ...*(Interruptions)*... Let him Complete ...*(Interruptions)*... You hear himc first ...*(Interruptions)*...

SHRI ARUN JAITLEY: Sir, the question has been put to me and I have a right to reply ...*(Interruptions)*...

SHRI N.K. PREMACHANDRAN: What is the collective responsibility of the Government? ...*(Interruptions)*...

MR. CHAIRMAN: Let him complete...*(Interruptions)*... Let the Minister complete his reply... *(Interruptions)*... You hear him ...*(Interruptions)*... Let him complete ...*(Interruptions)*...

श्री एस0 एस0 अहलुवालिया : जवाब आने दीजिए। ... (व्यवधान)

श्री संघ प्रिय गौतम : सवाल का जवाब पहले सुन लीजिए ... (व्यवधान)

SHRI T.N. CHATURVEDI: Let him complete ...*(Interruptions)*... The question has been addressed to the Minister; he will reply to that...*(Interruptions)*...

MR. CHAIRMAN: Let him complete. ...*(Interruptions)*...

SHRI N.K. PREMACHANDRAN: What is the collective responsibility of the Government? ...*(Interruptions)*...

MR. CHAIRMAN: Let the Minister complete his reply ...*(Interruptions)*...

SHRI JIBON ROY: Is he the super Prime Minister? .. .*(Interruptions)*...

MR. CHAIRMAN: Let him complete ...*(Interruptions)*...

SHRI ARUN JAITLEY: Having said that, I would say that Mr. Arun shourie himself, both on the television and in the print media, while writing these articles and expressing his views on the television, has said that the views are his personal views ... *(Interruptions)*...

SHRI KAPIL SIBAL: Sir, the point is ...*(Interruptions)*... He should go ...*(Interruptions)*...

SHRI ARUN JAITLEY: Allow me to complete, Mr. Sibal . ..*(Interruptions)*...

SHRI KAPIL SIBAL: At least, the Minister knows about the Constitution ...*(Interruptions)*...

SHRI ARUN JAITLEY: Sir, the articles itself say clearly that the views expressed are his own. ...*(Interruptions)*... The articles itself clearly say that. Having said that ...*(Interruptions)*...

SHRI NILOTPAL BASU: He cannot have that right

...*(Interruptions)*... *A* Cabinet Minister cannot have his personal views on the ...*(Interruptions)*...

SHRI T.N. CHATURVEDI: The hon. Prime Minister has indicated the direction of the Government ...*(Interruptions)*...

SHRI ARUN JAITLEY: Having said so, let me just conclude iy reply by saying that even in the past ...*(Interruptions)*...

SHRI JIBON ROY: Sir, I seek your ruling. Can any Minister (of the Cabinet make a statement against the statement of the hon. Prime Minister? Sir, we want your ruling. Can any Cabinet Minister give his personal views on the hon. Prime Minister's statement. ... *(Interruptions)*...

MR. CHAIRMAN: I have not to reply to this ...*(Interruptions)*... I have not to give any reply to your point ...*(Interruptions)*...

SHRI ARUN JAITLEY: Having said so, let me say this. Sir, even in the past there has been a considerable debate as to what extent...

SHRI NILOTPAL BASU: Can an individual Member of the Cabinet give his personal views ...*(Interruptions)*...

SHRI ARUN JAITLEY: Is the right of a free comment or a free expression available, in the context of judicial orders...*(Interruptions)*... Even in the past, it has been said that you cannot impute any unfair motive to the court. But free expression is available, and, in the last 10 to 15 days, there has been a considerable debate on the extent to which free expression is available, in the context of judicial orders. Sir, we can have a debate on this subject — whether free expression is available to all, but not available to some. It is a matter of regret that those who said outside and on various fora that, to another persons, free expression is available, in the context of judicial orders, now feel that the same should be denied to Mr. Arun Shourie. This is not a position which I am prepared to accept. ...*(Interruptions)*...

SHRI JIBON ROY: Sir, we want your ruling ...*(Interruptions)*... Can he have that view? ...*(Interruptions)*... You give a ruling on this ...*(Interruptions)*... He is expessing one view as a Minister, and one

view as an individual. Can he have two views on one point? . ..*(Interruptions)*...

SHRI N.K. PREMACHANDRAN: Sir, we are seeking a ruling on this from you. ...*(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: Sir, I am very sorry. It seems that the hon. Prime Minister, who is sitting here, is losing grip over his Ministers. And, his Law Minister is justifying the acts of another Minister who spoke against you. This is a very sad state of affairs that a Minister criticises the Surpreme Court. ...*(Interruptions)*...

MR. CHAIRMAN: What is your question?. ...*(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: It is high time the hon. Prime Minsiter controls his Ministers. After all, there is a concept of joint responsibility in...*(Interruptions)*... A Minister who defies the hon. Prime Minister has to go ...*(Interruptions)*...

SHRI ARUN JAITLEY: Yes, Sir. There is a concept of joint responsibility. He jointed the Cabinet as a Minister and he stands by what the hon. Prime Minister has said, "The order of the court will be implemented." ...*(Interruptions)*...

SHRI HANSRAJ BHARDWAJ: Then, Mr. Arun Shourie should go... *(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: Mr. Shourie should go... *(Interruptions)*...

SHRI JIBON ROY: Sir, we want your *ruling*...*(Interruptions)*...

MR CHAIRMAN: I have not to give any ruling on this ...*(Interruptions)*...This is Question Hour. I do not give any ruling in the Question Hour...*(Interruption)*...

प्रधानमंत्री (**श्री अटल बिहारी वाजपेयी**) : सभापति महोदय , प्रतिपक्ष के सदस्यों ने मेरे बारें में जो चिंता प्रकट की हैं उसके लिए हैं उनका बड़ा आभारी हूँ।

DR. ARUN KUMAR SARMA: The Indian Constitution was drafted through the Government of India Act, 1935. Now, the present Constitution has become outdated. I "want to know from the hon. Minister whether another Constituent Assembly is going to be convened by our country to review the entire Constitution, because

the existing Constitution has failed to deliver the goods to the people and has already become outdated, and, because of the system, it requires a lot of changes.

SHRI ARUN JAITLEY: There is no such proposal before the -Government of India.

MR. CHAIRMAN: Question Hour is over.

WRITTEN ANSWERS TO STARRED QUESTIONS

Showing of Channels as per Consumers' Interest

* 203. SHRI KARTAR SINGH DUGGAL: Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) the steps contemplated to obviate cable operators to shovel all the channels available to the viewers and make them pay for it; and

(b) how soon Government arc going to ensure that the viewer receives only those channels which he wants and pays for them alone?

THE MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI SUSHMA SWARAJ): (a) and (b) Government is examining the feasibility of mandating Conditional Access System (CAS) for Pay Channel viewing through Cable, which would, *inter alia,* enable the consumer to pay for only those Pay Channels, from among such Pay Channels offered by the Cable Operator, that the consumer subscribes for. The Task Force consisting of the stake holders including representatives of the Ministry of Information & Broadcasting, Ministry of Consumer Affairs, Cable Operators, Multi Service Operators (MSOs) and Broadcasters has been constituted to examine all the aspects related to the subject and make recommendations. The Task Force is finalising its Report. No time frame can be indicated at present.